

JOURNAL OF THE HOUSE.

Tuesday, December 27, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, the Ultimate Source of Forgiveness and Truth, as this calendar year draws to a close, we pause for a moment to offer a prayer of thanksgiving for this year's material and spiritual blessings. We are grateful for our own spiritual gifts, for our freedoms and the human and civil rights which we enjoy and exercise freely. In our diverse communities and culture, we respect the rights of all to express their philosophical, political, religious and ethical views and opinions, even when we, as a society, disagree on these serious issues. We thank You for the strength and the courage to remain faithful to You, Your ways and our religious beliefs and principles during this past year.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Petitions.

Stockbridge,
land use.

Mr. Pignatelli of Lenox presented a petition (accompanied by bill, House, No. 4595) of William Smitty Pignatelli and Andrea F. Nuciforo, Jr. (by vote of the town) relative to the use of certain land in the town of Stockbridge; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Greater
Boston
Food Bank.

Mr. DiMasi of Boston presented a petition (subject to Joint Rule 12) of Salvatore F. DiMasi and Robert E. Travaglini that the Division of Capital Asset Management and Maintenance be authorized to convey certain land in the city of Boston to the Greater Boston Food Bank, Inc.; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Pedone of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:

December 27, 2005.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Robert E. Travaglini, President of the Senate, has announced the appointment of Senators John A. Hart, Jr., and Thomas M. McGee to the special commission established (pursuant to section 36 of chapter 45 of the Acts of 2005) to review the effectiveness of the "Back to the Beaches Program"; and

Senate
appointments.

The Honorable Brian P. Lees, Minority Leader of the Senate, has announced the appointment of Senator Bruce E. Tarr to serve on the special commission established (pursuant to section 37 of chapter 45 of the Acts of 2005) to make an investigation and study relative to the production of television coverage of legislative sessions and other proceedings.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Bill relative to early education and care (House, No. 4582),— and recommending that the same be referred to the committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Early
education
care.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on Senate, Nos. 1984 and 2002 and House, Nos. 1697, 1703, 1707, 1710, 1714 and 4045, an Order relative to authorizing the committee on Veterans and Federal Affairs to make an investigation and study of certain Senate and House documents concerning veterans services and other related matters (House, No. 4593). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Veterans
services,
study.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said

order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Women,
child
commitment.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill relative to the civil commitment of women for alcoholism or substance abuse at a certain facility (House, No. 1614, changed) ought to pass. [Estimated cost: \$760,000.00] Referred, under Rule 33, to the committee on Ways and Means.

Special
education
costs.

By Mrs. Haddad of Somerset, for the committee on Education, on House, Nos. 1022 and 2941, a Bill relative to special education due process costs (House, No. 4594).

Podiatrists,
registration.

By Mr. Koutoujian of Waltham, for the committee on Public Health, on Senate, No. 1216 and House, No. 2684, a Bill relative to the registration of podiatrists (House, No. 2684).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Emergency Measure.

Marion
Dawicki,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Marion Dawicki, an employee of the Trial Court (see House, No. 4554), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 10 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill.

Bill
enacted.

The engrossed Bill relative to the board of selectmen of the town of Upton (see House, No. 4373) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At two minutes before twelve o'clock noon, on motion of Miss Reinstein of Revere) (Mrs. Walrath of Stow being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at ten minutes before two o'clock, the House was called to order with Mrs. Walrath in the Chair.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing emergency prescription drug coverage for seniors and the disabled (Senate, No. 2310, amended) ought to pass with the following amendments: Seniors,
drug
coverage.

In section 2, in line 5, and also in section 3, in line 5, by striking out the following: "December 31, 2006" and inserting in place thereof, in each instance, the following: "March 31, 2006"; and

By adding at the end thereof the following two sections:

"SECTION 6. Section 1 of chapter 176K of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition for 'Medicare', in lines 62 through 64, the following paragraph:—

'Medicare Part D', Medicare prescription drug coverage available to Medicare eligible persons beginning January first, two thousand and six, as authorized under the federal Medicare Prescription Drug, Improvement, and modernization Act of 2003 (MMA) (P. L. 108-173).

SECTION 7. Section 4(c) of chapter 176K, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:—

Beginning January 1, 2006, consistent with the implementation of Medicare Part D, any carrier that participates in the market may no longer offer any Medicare supplement insurance plans with prescription drug coverage. All Medicare supplement insurance plans with prescription drug coverage shall be closed to new enrollments, but must be kept guaranteed renewable. A person enrolled in a Medicare supplement insurance plan with prescription drug coverage and who enrolls in Medicare Part D shall be transferred to that person's carrier's most comparable Medicare supplement insurance plan without prescription drug coverage, unless that person chooses coverage under any of that carrier's other Medicare supplement insurance plans without prescription drug coverage. The coverage provided by such comparable plan shall become effective when the Medicare Part D coverage becomes effective. The rate for such comparable plan shall be the same rate that is in effect at the time of the transfer. The carrier shall notify all persons affected by this change and shall describe to such persons all the reasons for the respective coverage and rate changes." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendments pending.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means were adopted; and the bill, as amended, was ordered to a third reading.

Subsequently, under suspension of the Rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence. The bill (Senate, No. 2310, amended) then was sent to the Senate for concurrence in the amendments.

Drunk
driving
victims.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the victims of drunk driving trust fund (House, No. 2043) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Miss Reinstein of Revere, the bill was read a second time forthwith; and it was ordered to a third reading.

Recesses.

Recesses.

At four minutes before two o'clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Walrath of Stow being in the Chair), the House recessed until twenty minutes after two o'clock; and at twenty-two minutes before three o'clock the House was called to order with Mrs. Walrath in the Chair.

The Chair (Mrs. Walrath) thereupon declared a further recess subject to the call of the Chair; and at twenty-eight minutes after three o'clock the House was called to order with Mrs. Walrath in the Chair.

Orders of the Day.

Third
reading
bill.

The Senate Bill relative to automatic amusement devices (Senate, No. 1350, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Establishing a sick leave bank for Maureen Quinney, an employee of the Department of Revenue (House, No. 4450) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the salary of the mayor of the city of Lawrence (House, No. 4506);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

At twenty-nine minutes before four o'clock P.M., on motion of Ms. St. Fleur of Boston (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.